

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS

United States Bankruptcy Court
Southern District of Texas

ENTERED

November 16, 2023

In Re: Gustavo Giles-Flores

Nathan Ochsner, Clerk

Debtor(s)

Case No.: 16-34941

Chapter: 13

ORDER TO FILE § 1328 CERTIFICATION

The chapter 13 trustee has notified the Court that the confirmed plan has been completed. The discharge in this case cannot be issued until the requirements of § 1328 have been satisfied. The satisfaction of § 1328's requirements has not yet been demonstrated to the Court. Accordingly, the Court orders:

1. This case will be closed without a discharge unless the debtor(s) demonstrate compliance with the requirements of § 1328.
2. Not later than 45 days after the entry date of this order, the debtor(s) must either:
 - A. Complete, execute and file with the clerk of the Court the certification and motion included in this order; or
 - B. File a pleading with the Court in which the debtor(s) demonstrate an entitlement to a chapter 13 discharge.

Debtors submitting paper documents by mail to the clerk of the Court in response to this order should send such documents to:

United States Bankruptcy Court
PO Box 61010
Houston, TX 77208-1010

Signed and Entered on Docket: 11/16/23



MARVIN ISGUR
United States Bankruptcy Judge

Exhibit A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS**

In Re: Gustavo Giles-Flores

Debtor(s)

Case No.: 16-34941

Chapter: 13

**DEBTORS CERTIFICATION, MOTION FOR ENTRY OF CHAPTER 13 DISCHARGE AND PROPOSED
DISCHARGE ORDER**

THIS MOTION SEEKS AN ORDER DISCHARGING THE DEBTORS PURSUANT TO § 1328(a) OF THE BANKRUPTCY CODE. IF YOU OPPOSE THE MOTION, YOU MUST FILE AN OBJECTION WITHIN 21 DAYS OF THE DATE LISTED BELOW IN THE CERTIFICATE OF SERVICE. YOUR OBJECTION MUST SET FORTH THE SPECIFIC FACTUAL ALLEGATIONS WITH WHICH YOU DISAGREE. IF NO TIMELY OBJECTION IS FILED, THE COURT MAY GRANT THE RELIEF.

The Debtors move for entry of a discharge under § 1328(a) of the Bankruptcy Code.

1. By signing below, the Debtors certify under penalty of perjury under the laws of the United States of America that the following statements are true and correct:

A. We have completed the personal financial management instructional course from an agency approved by the United States Trustee. A copy of Official Form 423 is attached.

B. If I owe a debt arising from (a) any violation of any state or federal securities laws, regulations or orders; (b) fraud, deceit or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security; (c) a civil remedy under § 1964 of title 18; or (d) a criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years, then I have not claimed an exemption for my residence in an amount in excess of \$160,375.

C. All amounts payable by me on a domestic support obligation, that are due through this date (including amounts due before the petition was filed in this case, but only to the extent provided for by the plan) have been paid;

D. I have not received a discharge in a case filed under chapter 7, 11 or 12 of the Bankruptcy Code during the four-year period before the date that my petition was filed in this case;

E. I have not received a discharge in a case filed under chapter 13 of the Bankruptcy Code during the two-year period before the date that my petition was filed in this case;

F. No criminal proceeding is pending against me alleging that I am guilty of a felony; and

G. No civil case is pending against me alleging that I am liable for any (a) violation of the Federal securities laws, any State securities law, or any regulation or order issued under Federal securities laws or State securities laws; (b) fraud, deceit or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security; (c) civil remedy under § 1964 of title 18; or (d) criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to

another individual in the preceding 5 years.

2. I have made all payments required by my confirmed chapter 13 plan.

Signed: _____

Debtor's Signature

Date

Spouse's Signature (in Joint Case Only) Date

{SIGNATURE BLOCK FOR ATTORNEY}

Certificate of Service

On _____, a copy of this pleading was served on each of the persons listed on the attached service list by
(i) prepaid United States Mail; or (ii) electronic service via the Court's ECF system.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS

In Re: Gustavo Giles-Flores

Debtor(s)

Case No.: 16-34941

Chapter: 13

**DEBTOR'S CERTIFICATION OF COMPLETION OF POSTPETITION INSTRUCTIONAL COURSE
CONCERNING PERSONAL FINANCIAL MANAGEMENT**

Every individual debtor in a chapter 7, chapter 11 in which § 1141(d)(3) applies, or chapter 13 case must file this certification. If a joint petition is filed, each spouse must complete and file a separate certification. Complete one of the following statements and file by the deadline stated below:

I, _____, the debtor in the above-styled
(Printed Name of Debtor)
 case, hereby certify that on _____(Date), I completed an instructional course in
 personal financial management provided by _____,
(Name of Provider)
 an approved personal financial management provider.

Certificate No.(if any):_____.

I, _____, the debtor in the above-styled
(Printed Name of Debtor)
 case, hereby certify that no personal financial management course is required because of [Check the appropriate option.]:

- Incapacity or disability, as defined in 11 U.S.C. §109(h);
- Active military duty in a military combat zone; or
- Residence in a district in which the United States trustee (or bankruptcy administrator) has determined that the approved instructional courses are not adequate at this time to serve the additional individuals who would otherwise be required to complete such courses.

Signature of Debtor: _____

Date: _____

Instructions: Use this form only to certify whether you completed a course in personal financial management. (Fed. R. Bankr. P. 1007(b)(7).) Do NOT use this form to file the certification given to you by your prepetition credit counseling provider and do NOT include with the petition when filing your case.

Filing Deadlines: In a chapter 7 case, file within 60 days of the first date set for the meeting of creditors under § 341 of the Bankruptcy Code. In a chapter 11 or 13 case, file no later than the last payment made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. (See Fed. R. Bankr.P. 1007(c).)